

Bill read second time, and  
On motion of Senator Lewis further consideration of the bill was postponed until tomorrow morning after morning call.

The Chair laid before the Senate,  
Senate bill No. 26, A bill to be entitled "An Act to amend Article 2956, of the Revised Statutes of the State of Texas."

Bill read second time, and

On motion of Senator Atlee further consideration of the bill was postponed until tomorrow morning after the consideration of Senate bill No. 9.

The Chair laid before the Senate,

Senate bill No. 31, A bill to be entitled "An Act to provide a final method of publishing notices and reports required by law to be published by commissioners' courts of the various counties of the State, to be effective in all cases where said courts are unable to secure publication thereof in the manner and for the price now provided by law therefor."

Bill read second time, and

On motion of Senator Potter further consideration of the bill was postponed until tomorrow morning after the consideration of Senate bill No. 26.

Senator Atlee called up the following House Concurrent Resolution, and moved its adoption:

House Concurrent Resolution. No. 11, by Kennedy:

Resolved by the House of Representatives, the Senate concurring, that a committee of five (5) from each House be appointed to arrange for the reception of the Hon. W. J. Bryan on the occasion of his visit to the Legislature.

Adopted.

Senator Gough entered a motion to reconsider the vote by which the Senate adopted his amendment to Senate bill No. 27.

On motion of Senator Greer the Senate adjourned to 10 o'clock tomorrow morning.

#### ELEVENTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, Jan. 24, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Greer.
Burns.	Grinnan.
Dibrell.	James.
Goss.	Johnson.
Gough.	Kerr.

6—Senate

Lewis.	Ross.
Lloyd.	Sebastian.
McGee.	Stafford.
Miller.	Terrell.
Morriss.	Turney.
Neal.	Wayland.
Odell.	Yantis.
Potter.	Yett.

Absent.

Stone.

Absent—Excused.

Davidson.

Patterson.

Hanger.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator McGee, the same was dispensed with.

#### EXCUSED.

On motion of Senator Terrell, Senator Yett was excused for non-attendance on yesterday on account of important business.

On motion of Senator James, Mrs. Evans, the Postmistress, was excused for last Saturday, Monday and today on account of sickness.

On motion of Senator Gough, Senator Linn was excused for today on account of important business.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on State Asylums, to whom was referred

Senate bill No. 32, being a bill to be entitled "An Act to amend Article 128, Title IX, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the apprehension of lunatics,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MORRISS, Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 14, being "An Act to amend Subdivisions 1 and 2, Chapter 2, Title XV, Article 1093, of the Code of Criminal Procedure of the State of Texas,

relating to attached witnesses, and providing fees for same."

And find the same correctly engrossed.  
JAMES, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 8, being a bill to be entitled "An Act to amend Article 1333, of the Revised Civil Statutes of Texas, relating to the submission of special issues to the jury,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 18, being a bill to be entitled "An Act for the relief of railways chartered since 1887 and which have failed to construct their lines as required by law,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, Jan. 20, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 1, being a bill to be entitled "An Act to amend Article 4497, of the Revised Civil Statutes of Texas, relating to furnishing cars for shipment of freight,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the accompanying committee substitute be adopted in lieu of said bill.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 5, being a bill to be en-

titled "An Act to amend Chapter 4, Title VII, of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 525b, providing for the issuance of process for witnesses residing in the county before the meeting of the district court, to testify before the grand jury,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 54, being a bill to be entitled "An Act to require county and city tax assessors and their deputies to administer the oath or affirmation to those rendering property for taxation and affixing a penalty for failing or refusal to do so,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 19, being a bill to be entitled "An Act to amend Article 504, of Chapter 1, Title CIV, of the Revised Statutes, relating to general occupation taxes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the following substitute pass:

"An Act to repeal Subdivision 14, of Article 5049, Chapter 18, Title CIV, of the Acts of the First Called Session of the Twenty-fifth Legislature, relating to occupation taxes on physicians and surgeons."

YANTIS, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 54, being a bill to be entitled "An Act to amend Article 200, of Chapter 2, Title VII, of the Penal Code

of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, 1895, excepting certain persons from the operation of Article 199."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 50, being a bill to be entitled "An Act to amend Article 4930, of the Revised Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 51, being a bill to be entitled "An Act to repeal Article 5031, Revised Statutes of Texas, and Articles 932 and 933, of the Penal Code of the State of Texas, and to amend Article 4921, Revised Statutes of Texas, relating to the use of marks and brands of live stock,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 38, being a bill to be entitled "An Act to punish all officers of this State who are charged by law with the enforcement of the criminal laws of Texas, who consent or agree to accept or receive any plea of guilty from any person charged with crime, or any person who is or may be engaged in any occupation, calling, profession or business in violation of the criminal laws of Texas, or who consents or agrees to accept any money from any person charged with crime or who is or who may be engaged

in any occupation, calling, profession or business in violation of the criminal laws of Texas, in consideration that such person so charged with crime or engaged in any occupation, calling, profession or business in violation of the criminal laws of Texas, shall be permitted to commit other offense against the laws of this State, or shall be permitted for any period of time to engage in any occupation, calling, business or profession in violation of the criminal laws of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 4, being a bill to be entitled "An Act to amend Title III, Chapter 1, of the Criminal Code of Texas by adding Articles 79, 80, 81, 82, 83, 84, 85, 86 and 87, and repealing Chapters 2, 3 and 4, of said title, to make accomplices and accessories principal offenders,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

## BILLS AND RESOLUTIONS.

By Senator Johnson:

Resolved, That the President of the Senate appoint a special committee of three to visit the Asylums for the Insane and the State Orphan's Home, and ascertain and report to the Senate what amount of money it will require to repair and enlarge said institutions.

On motion of Senator Gough the resolution was laid on the table subject to call.

By Senator Grinnan:

Senate bill No. 63, A bill to be entitled "An Act to provide for taking depositions of parties to suits and the agents."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Wayland:

Senate bill No. 64, A bill to be entitled "An Act for the better protection of the farmer in the purchase of commercial fertilizers, and for other purposes."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Dibrell:

Senate bill No. 65, A bill to be entitled "An Act making appropriation for sup-

port of the State Government for the years beginning September 1, 1899, and ending August 31, 1901, and for other purposes."

Read first time, and referred to Committee on Finance.

By Senator Dibrell:

Senate bill No. 66, A bill to be entitled "An Act making deficiency appropriations for the support of the State Government for the six months beginning March 1, 1899, and ending August 31, 1899, and for other purposes."

Read first time, and referred to Committee on Finance.

By Senator Potter:

Senate bill No. 67, A bill to be entitled "An Act to amend Article 5058, of the Revised Civil Statutes of 1895, of the State of Texas, as passed in 1891, relating to the duties of Revenue Agents."

Read first time, and referred to Committee on State Affairs.

By Senator Greer:

Senate bill No. 68, A bill to be entitled "An Act to amend Article 805, Chapter 3, of the Penal Code of the State of Texas, as adopted at the Regular Session of the Twenty-fourth Legislature, so as to make the penalty prescribed applicable to all pastures, regardless of their size."

Read first time, and referred to Committee on Stock and Stock-raising.

By Senator McGee:

Senate bill No. 69, A bill to be entitled "An Act to amend Articles 331a and 331b, of Chapter 3, Title XIV, Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature of 1895, so as to further define connecting lines of common carriers, their relationship to each other and to those dealing with them or either of them, and to prescribe a rule of evidence as to such relationship, and to further prescribe their duties and liabilities."

Read first time, and referred to Judiciary Committee No. 1.

Call concluded.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Jan. 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following House Concurrent Resolution No. 13, Relating to the appointment of a joint committee on the part of the House of Representatives and Senate to arrange

for the election of a United States Senator.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Jan. 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate that the House has appointed Messrs. Tate, Gill and Ellis as a committee to act with a like committee on the part of the Senate to arrange for the election of a United States Senator.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

The Chair announced the following committee under House Concurrent Resolution No. . . . , to arrange for the reception of Hon. Wm. J. Bryan:

Senators Potter, Terrell, Miller, Johnson and Neal.

#### BILLS ON SECOND READING.

The Chair laid before the Senate, special order for this hour,

Senate bill No. 9, A bill to be entitled "An Act to provide for the appointment by the court of attorneys to represent absent defendants when cited by publication."

Bill read second time, and

On motion of Senator Miller further consideration of the bill was postponed until after other special orders were disposed of.

On motion of Senator Wayland, the regular order of business was suspended to take up

Senate bill No. 22, A bill to be entitled "An Act making an appropriation to pay for publishing the Constitutional Amendments proposed by the Twenty-fifth Legislature."

Bill read second time.

By Senator Wayland:

Amend by adding after the word "emergency," in line 19, page 1, the following: "and an imperative public necessity."

Adopted.

Bill ordered engrossed.

On motion of Senator Wayland, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed on its third reading and final passage, by the following vote:

Yeas—24.

Atlee.  
Dibrell.

Goss.  
Gough.

Greer.	Odell.
Grinnan.	Potter.
James.	Ross.
Johnson.	Sebastian.
Kerr.	Stafford.
Lloyd.	Terrell.
McGee.	Turney.
Miller.	Wayland.
Morriss.	Yantis.
Neal.	Yett.

Absent—Excused.

Davidson.	Linn.
Hanger.	Patterson.

Bill read third time, and passed by following vote:

Yeas—23.

Atlee.	Gough.
Dibrell.	Greer.
Goss.	James.
Johnson.	Ross.
Kerr.	Sebastian.
Lloyd.	Stafford.
McGee.	Terrell.
Miller.	Turney.
Morriss.	Wayland.
Neal.	Yantis.
Odell.	Yett.
Potter.	

Absent—Excused.

Davidson.	Linn.
Hanger.	Patterson.

The Chair laid before the Senate, Senate bill No. 26, A bill to be entitled "An Act to amend Article 2956, of the Revised Statutes of the State of Texas."

Bill read second time, and failed on engrossment, by following vote:

Yeas—3.

Dibrell.	Odell.
Gough.	

Nays—20.

Atlee.	Neal.
Goss.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Yantis.
Morriss.	Yett.

Absent—Excused.

Davidson.	Linn.
Hanger.	Patterson.

The Chair laid before the Senate, Senate bill No. 31, A bill to be entitled "An Act to provide a final method of publishing notices and reports required by law to be published by commissioners' courts of the various counties of the State, to be effective in all cases where

said courts are unable to secure publication thereof in the manner and for the price now provided by law therefor."

Bill read second time, and

On motion of Senator Greer further consideration of the bill was postponed until tomorrow after special order.

The Chair laid before the Senate,

Senate bill No. 9, A bill to be entitled "An Act to provide for the appointment, by the court, of attorneys to represent absent defendants when cited by publications."

On motion of Senator Turney, the bill was laid on the table subject to call.

The Chair laid before the Senate,

House Concurrent Resolution No. 13:

Resolved, By the House of Representatives, the Senate concurring, that a joint committee shall be appointed, consisting of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the President of the Senate, whose duty it shall be to fix the hour and arrange for the election of a United States Senator.

The resolution was adopted, and the Chair appointed on the part of the Senate, Senators Gough, Stafford and Atlee.

#### BILLS ON THIRD READING.

The Chair laid before the Senate,

Senate bill No. 14, A bill to be entitled "An Act to amend Subdivisions 1 and 2, Article 1093, Title XV, Chapter 2, of the Code of Criminal Procedure of the State of Texas, relating to attached witnesses, and providing fees for same."

Bill read third time.

By Senator Terrell:

Amend by striking out in lines 6 and 10, page 1, the words "Subdivisions 1 and 2."

Adopted.

By Senator Terrell:

Amend by inserting after the word "court," line 26, page 1, the following:

2. Witness fees shall be allowed to such State witnesses only as the district or county attorney shall state in writing are material for the State, and to witnesses for defendant after he has made affidavit that the testimony of the witness is material to his defense (stating the facts which are expected to be proved by the witness), which certificate and affidavit must be made at the time of procuring the attachment for, or taking the recognizance of, the witness; provided, that the judge to whom an application for attachment is made may, in his discretion, grant or refuse such application when presented in term time. No attachment shall be issued in a felony

case until the State's attorney shall have first made the statement in writing, or the defendant shall have made the affidavit, which will authorize the payment of the witness to be attached.

3. Before the close of each term of the district court the witness shall make affidavit in writing, stating the number of miles he will have traveled going to and returning from the court by the nearest practicable conveyance, and the number of days he will have been necessarily absent going to and returning from the place of trial, which affidavit shall be filed with the papers of the case; provided, no witness shall receive pay for his services as a witness in more than one case at any one term of the court; provided further, that fees shall not be allowed to more than two witnesses to the same fact, unless the judge of the court before whom the cause is tried shall, after such case shall have been disposed of, certify that such witnesses claiming fees as herein provided were necessary in the cause, nor shall any witness, recognized or attached for the purpose of proving the general character of the defendant, be entitled to the benefits hereof.

4. It shall be the duty of the district or criminal judge, when any such bill is presented to him to examine the same carefully and to inquire into the correctness thereof and to approve the same, in whole or in part, or to disprove the entire bill, as the facts and law may require, and said bill, with the action of the judge thereon shall be entered on the minutes of said court; and immediately on the rising of said court it shall be the duty of the clerk thereof to make a certified copy from the minutes of said court of said bill, and the action of the judge thereon, and transmit the same by mail in registered letter to the Comptroller of Public Accounts, for which service the clerk shall be entitled to a fee of twenty-five cents, to be paid by the witness.

5. It shall be the duty of the Comptroller upon the receipt of such claim and said certified copy of the minutes of said court, to carefully examine the same, and if correct, to draw his warrant on the State Treasurer for the amount due and in favor of the witness entitled to the same; provided, if the appropriation for paying such accounts is exhausted, the Comptroller shall file the same away if correct, and issue a certificate in the name of the witness entitled to the same, stating therein the amount of the claim; and all such claims or accounts not transmitted to or placed on file in the office of the Comptroller of

Public Accounts within twelve months from the date of the final disposition of the case in which the witness was attached or recognized to testify, shall be forever barred; and all laws and parts of laws in conflict with the provisions of this bill are hereby repealed.

Senator Odell offered the following amendment to the amendment:

Amend Section 2, of Article 1093, as amended, by striking therefrom the following: "stating the facts which are expected to be proved by the witness."

The amendment to the amendment was adopted.

The amendment (Terrell's) as amended, was then adopted.

The bill, as amended, was then passed.

#### BILLS ON SECOND READING.

The Chair laid before the Senate,

Senate bill No. 55, A bill to be entitled "An Act to establish and create in each of the cities, towns and villages of this State a State court, to be known as the Corporation Court in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts."

Bill read second time.

By Senator Miller:

Amend line 1, Section 4, by inserting after the words "February, 1899," the words "or as soon thereafter as practicable."

Adopted.

By Senator Greer:

Amend by striking out all of Section 11, and inserting in lieu thereof the following:

"Section 11. That there shall be taxed against and collected of each defendant in case of his conviction before such court, such costs as may be provided for by ordinance of the said city, town or village; but in no case shall the council or board of aldermen of any such city, town or village prescribe the collection of greater costs than are now prescribed by law to be collected of defendants convicted before justices of the peace."

Adopted.

By Senator Grinnan:

To amend Bill No. 55, by striking out Section 3, and inserting the following: "The city council may, at any time, by ordinance, establish the office of recorder of such city, town or village, who shall be elected in the same manner, time and place as the mayor of such city, town or village, and whose term of office shall be the same as the mayor of such city, town or village, and until his successor is elected and qualified, and for his services he shall receive such compensation

as shall be prescribed by ordinance of the council or board of aldermen of such city, town or village."

Pending action,

Senator Terrell moved to postpone further consideration of the bill until tomorrow after morning call.

Postponed.

#### PRIVILEGED REPORT.

Senator Gough sent up the following report:

*Hon. J. N. Browning, President of the Senate, and Hon. J. S. Sherrill, Speaker of the House.*

Your Joint Committee appointed for the purpose of arranging for the election of a United States Senator, have had the matter under consideration, and beg leave to report as follows, viz.:

First, That the Senate proceed to nominate and ballot for a United States Senator today, January 24, at 11:30 o'clock a. m.

Second, That the House proceed to nominate and ballot for a United States Senator today, January 24, at 12:15 p. m.

Third, That the Senate and House shall meet in joint session on Wednesday, January 25, at 12 o'clock, noon, in the House of Representatives for the purpose of declaring the result of the previous balloting.

Respectfully submitted,

On the part of the Senate:

GOUGH,  
STAFFORD,  
ATLEE.

On the part of the House:

ELLIS,  
TATE,  
GILL.

The report was adopted.

The Chair announced that, as per resolution adopted, the hour fixed for the Senate to proceed to the election of a United States Senator to succeed Hon. R. Q. Mills had arrived, and that nominations were in order.

Senator Miller, in placing Hon. Chas. A. Culberson in nomination, said:

*Mr. President and Gentlemen of the Senate.*

I esteem it a privilege and a pleasure to be permitted, in obedience to the instructions given me by the democracy of my county, to present to you for election to the high and honorable position of United States Senator from Texas, the name of the Honorable Charles A. Culberson of Dallas county.

These instructions were not dictated alone by the fact of his honored citizen-

ship amongst us, but sprung also from an appreciation of a record which loses none of its lustre when contrasted with that of the patriotic statesmen who, since the days when the fathers wrested this grand domain from the barbarism of the Montezumas have guided its destiny to its present glorious position in the galaxy of sovereign States.

Called in the full flush of young manhood, by the almost unanimous voice of his people, to the head of the legal department of the State, at a time when it required a mental giant armed with rich knowledge of all the subtleties of the law to protect her from the onslaughts of greed entrenched behind the bulwarks of wealth and power, he demonstrated himself a worthy son of that magnificent constitutional lawyer, pure citizen and patriotic statesman whom all Texas loves, "Old Dave Culberson."

In conflicts with the ablest counsel that unbounded means could secure, he thoroughly evidenced that "the faith of his friends" was well founded, and in every legal battle maintained unimpaired the rights of the State. When his term as Attorney-General had ended and that jury which never errs, the whole people, had written their verdict it read, "Well done, thou good and faithful servant; go up higher."

His administration of the office of Governor of this great commonwealth whose immense territory contains a greater diversity of conflicting interests than any State in the Union, has added new laurels to the fame he had theretofore acquired. Amid the roar of the waves of passion and prejudice, he has remained steadfast to duty and executed the laws faithfully and impartially. Decreasing the burden of taxation, he has so wisely administered the financial affairs of the State that he retires from office with all her institutions flourishing and her coffers overflowing. The school fund, that richest legacy from the heroes of the Republic, guarded with jealous watchfulness, and with the public educational facilities of the children of Texas greatly increased. When war's fearful alarm summoned from Texas the flower of her youth, with the devotion of a father he carefully watched over and maintained their rights.

And now we are gathered to ratify that reward which the people have already decreed him, the highest position within their gift. In the full strength of vigorous manhood, endowed by nature and education with all the attributes which insure success, beloved and respected by his people, he goes to take his place in that hall which has echoed to

the matchless eloquence of Webster, Clay and Calhoun. The hall where has been waged the mighty conflicts, between great political parties, that has shaped the destiny of this nation. Texas democracy has sent no weaklings to represent her there; Houston, the soldier without fear, the patriot without guile. Rusk, Henderson, Ward, Wigfall, Maxey, Coke, the second father of the State, who redeemed her from a tyranny little less than that which woke the slumbering fires in the hearts of the fathers of the Republic; Reagan, the grand old man, whose record is interwoven with the saddest, sweetest, most glorious pages of our history. Mills, "The lion of the tribe of Judah," whose name will ever be indissolubly linked with tariff reform. Chilton, the broad-minded, conservative, brilliant son of east Texas. And now, in the name of a constituency, to represent whom would be an honor to any man, I pledge their plighted faith that this son of Texas is worthy a place amongst them; that when his record in the Senate shall have been made, when partisan prejudice shall have been silenced by time, and impartial history assigns the statesmen of this generation to their proper niche in Fame's temple, crowned with immortelles, gained by unfaltering devotion to the rights of the common people, there will be no brighter name on the rolls of the United States Senate than Charles A. Culberson of Dallas county.

Senator Stafford, in seconding Mr. Culberson's nomination, said:

*Mr. President and Gentlemen of the Senate.*

It affords me personal pleasure to second the nomination of the Hon. Charles A. Culberson for United States Senator from Texas.

I heartily concur in the words of praise so aptly expressed by the Senator from Dallas, and in doing so I know I reflect the sentiments of the entire democracy of the district which I have the honor to represent.

To an honest public servant nothing can be dearer than well earned emoluments from an intelligent, patriotic constituency.

Eight years ago, he, whom we now take pleasure in honoring, was called from the private walks of life, by the people of his State, and intrusted with the responsible duties of the Attorney-General's office. How he performed those duties is a matter of history to which his friends may point with pardonable pride. He brought to this office the matchless genius of vigorous manhood. As Attorney-General he was able

and zealous, and never by thought or word did his patriotic devotion to duty waver. At the end of his four years service, it was but a just tribute of an appreciative people to select him as the Chief Executive of the greatest State of the grandest nation on earth. While Texas has been blest with able, noble and patriotic Governors, yet it is no disparagement to either of them to say Charles A. Culberson is the peer of the ablest and noblest of the list. His political sea has not always been calm, but when most bitterly assailed by those who opposed him and unjustly traduced and denounced, he kept a faithful hand on the rudder of the Ship of State and anchored his hopes in the safe harbor of public confidence.

In 1894 there was an element in the democratic party who sought to lead its hosts into the republican camp of monometallism. In this fight for the perpetuation of democratic faith, as taught by the fathers, he entered heart and soul. When many faithful life-long democratic soldiers grew weary and doubtful of the result, it was his voice at historic Goliad which gave them hope and rallied the faithful from the Red river to the Rio Grande.

In the great political battle of 1896 he stood with the common people, and as one of their representatives at Chicago aided in drafting that clean, clear-cut expression of democratic faith and drove from the democratic temple those who for gain sought to traduce its record.

What more need be said of a public servant—able, clean and patriotic—with an industry to investigate public questions, an intellect to discern and a heart devoted to the public weal.

In the language of that noble Roman, whom all Texans love and delight to honor, his promotion to the United States Senate "will be a fitting crowning of his able patriotic service."

Texas honors herself in honoring him.

In seconding Mr. Culberson's nomination, Senator Burns said:

*Mr. President and Fellow Republicans:*

The modesty of men having the political faith of the speaker is both remarkable and proverbial. It may be that it is a matter for regret that out of more than 180,000 republicans in the grand young commonwealth of my beloved State not one can readily be found consenting to exile himself from the State of his devotion, the penalty therefor being an enforced absence of not less than six years in the membership of the National Congress. It must not be understood that those who give allegiance to the cause of

the grand old party confuse the National law making body with the National Prison Congress now holding session in a near and sister State. The speaker can only account for the refusal of a Texas republican to become a United States Senator upon the ground that he has higher home aspirations and looks to broader fields of usefulness. It may be that he nurses and warms the worthy ambition which would give a line of credit and admission to this honorable body. And yet some positive difficulty has been occasioned in inducing republicans to answer roll calls in the Texas Legislature. In the personal experience of the speaker he had positive trouble in prevailing upon "the Senator from Harris" to ask for title and a consent decree vesting in him legislative honors at the hands of a proud and noble constituency. A truce to proverbial modesty. This thoughtful assembly looks much like a pictured gathering of one of the strong parties of the Nation. The fair women gracing the occasion with their presence lend dignity to the situation and remind that duty charges the reflecting view of Texas people in the designation of a strong man to represent an intelligent citizenship. In behalf of the party to which I have honor of allegiance, it is my purpose to treat the situation with an open door policy and to yield to you, my fellow Senators, some of the broader secrets of our party caucus held last evening between the hours of 9 and 12 in this chamber. Through the courtesy of our President, who in November last prevailed upon more republicans to take his prescription, grow familiar with the present State ticket, not to feel much the worse for having done so, than any democratic doctor of State affairs within all past political experience, permission to use the Senate Chamber for the purpose of holding a party caucus was cheerfully granted. My friend the Senator from McLennan (Yantis) was unkind enough to suggest that "Judiciary No. 2," which has exclusive control of amendments to the Criminal Code, would meet all the necessities present and future of my party and that he would take pleasure in presiding as chairman of the meeting. The Senate Chamber was well adapted for the large attendance upon the caucus. The political arena enveloped the sight and passing down the central aisle in slow and stately cadence could have been seen the honored form of that honorable man, David E. Bryant, the brilliant and diplomatic Grant, the tall personage of generous Ned Green, the warm-hearted and splendidly equipped Ogden, that gifted son of Texas, Manson Mc-

Cormick; the polished Peck, matchless MacGregor, knightly Dillingham, sturdy Lock McDaniel, brave Burnett, the royal Wheeler, and that noble son of the South, that prince of good fellows, R. B. Hawley, whose life purity, love of friends, devotion to duty, perfect service and pre-eminent ability unite in naming him as the next Vice-President of the American people. It is an event for congratulation when such names adorn the membership of any body of men. They pass on and out and linger not the eye moist with expectancy. They decline to serve their State in the great office of Senator. Thereupon I heard the suggestion "What are we here for," the lights went out "and left the world to darkness and to me." I have the honor to further report that the caucus has selected a candidate for the position of United States Senator to represent dear old Texas and all of her noble people, and that as a messenger I have been honored beyond my deserts in committing my party to his candidacy. I present to you, Mr. President, and fellow republicans, a man young in years, perfect in physique, mature in manhood, judicious in judgment, learned in law, coursed in constitutional construction, scholarly in attainment, ripe in rhetoric, master in language and logic, and now broad enough without further expansion,—Charles A. Culberson. In making presentment of this name I give expression to my personal pleasure, respond to the sentiment of the Daughters of the Republic and voice the wish of my party caucus. Your action here today will make glad the heart of a proud and devoted father, and if in the paralysis of death there is life, angels will whisper the glad tidings to the sainted mother.

Senator Dibrell said, in seconding Mr. Culberson's nomination:

The office of United States Senator is one of dignity and responsibility. No ordinary man can fill this office with credit to himself or profit to his country. To do so he must, in addition to honesty and integrity of character, be possessed of a dauntless spirit and intellect. He should be broad minded and liberal in thought, but at the same time conscious of the interests of his constituency. His statesmanship should become nationalized when national questions are involved, and sectionalized when sectional questions are enforced. Every thought and fibre of his nature should be imbued with the recognition of State sovereignty and individual imperialism. The rights and liberties of the people should be, by him, guarded with jealous care, and every new invasion of the Federal judi-

ciary upon legislative enactment or personal rights should be looked upon and regarded with as much dread as the leap of the lion or the growl of the tiger. He should be wise enough to eschew evil temptations, but being overwhelmed by blandishments and importunities of selfish greed and glory, should be subtle enough to escape, if but as did Ulysses from the fatal grasp of the Cyclop. Surrounded by a bright galaxy of learning and polish, he should, in addition to good common sense, possess scholarship and culture.

The Hon. Charles A. Culberson, whose nomination for United States Senator, I second on behalf of Guadalupe county, possesses these and all other essential qualifications for United States Senator in the fullest measure. His administration as Governor of this State is proof sufficient of his masterly statesmanship, his patriotism, valor and honesty.

Senator Atlee seconded Mr. Culberson's nomination.

Senator Turney, in seconding Mr. Culberson's nomination said:

*Mr. President:*

On behalf of that great section of Texas, reaching from the Colorado River on the east to the Rocky Mountains on the west, and from no man's land on the north to the land of the Montezumas on the south, I desire to second the nomination of Chas. A. Culberson.

Born on southern soil; and early taught to love our institutions and our traditions; reared in his adopted State, Texas, and ever a tireless student of her history, her resources, her conditions and her needs. Devoted to her people and thoroughly in accord with her laws and her principles of government. Ever mindful of his duties as a citizen and to his party. Trained in one of the very best schools in one of the grandest old States of the South, where the love of individual liberty and the rights of local self-government are given prominence; the man whom we shall nominate today is admirably equipped and prepared for the new duties to which the free people of the greatest State in the Union are about to assign him.

His success has not come by the purchase of the suffrage of a single individual, nor because of the scheming of the practical politician, but the people whom he has honestly and faithfully served, now, without dissent, tender him this high office as a tribute for his past services and devotion to duty. Splendidly prepared he spent four years as the Attorney-General of this great State, with her growing interest and perplexing legal questions, and represented the

people on many occasions against the superb legal talent of the railway and other great interests both at home and abroad. Instituting suits for the recovery of the property of the State and its institutions, for years neglected, and prosecuting the same to successful results; he established for that department the importance intended by the Constitution and gained for it the respect and support of the people of his State.

During his term of service in this office, some two million acres of land, wrongfully transferred, were restored to the school fund and much other property recovered to the State.

While his great services in the Attorney-General's office gained for him the confidence of the whole people and firmly established his reputation both as a statesman and a profound lawyer, yet the true usefulness and greatness of the man was not fully realized until he became our Governor four years ago.

Our State had just passed through both a financial and political crisis leaving depressed business conditions and party discontent. Every ill chargeable to any political faction was brought against his party, and to this was added the assailable condition of a depleted treasury and our inability to meet current expenses with our increased taxation. These conditions he met like the true statesman that he was. Expenses of government were for the first time since the war reduced to a just basis, and the number of department employes greatly decreased. Appropriations for the support of the State government reached the smallest figure known in recent years, and the demands of the people and pledges of the democratic party, made in each convention assembled, for the first time realized.

For the first time in our history his administration gave to the people the fulfillment of the promises made by the fathers who founded our magnificent school system, that the children of this generation should have a six months school term during each year.

Not only have expenditures been reduced to the minimum during the past four years, but every charitable institution of this State has been greatly improved and enlarged.

From the filthy jail cells the unfortunate lunatics have been brought and placed in comfortable quarters and surrounded with every attention.

The Agricultural and Mechanical College at Bryan, both branches of the University, the Sam Houston Normal School, Prairie View Normal School and all the other public institutions of the State re-

ceived his especial attention. Other great interests have likewise been carefully guarded.

The income from the sale and leasing of school lands have remarkably increased.

Four years ago not more than four million acres of public lands were under lease, where today the amount reaches some twelve million acres.

Instead of yearly forfeiting as many sales of school lands as are made, a system has been adopted which tends to make the sale of agricultural lands permanent. Over ten thousand suits for forfeitures have been averted by proper legislation which permits the Commissioner to declare forfeitures, where no such power formerly existed.

These are but a few of the beneficial features of his wise administration, and time will not admit of further enumeration.

But, Mr. President, the features of his administration for which the whole people are most thankful, is the total lack of clap-trap and injurious legislation.

It is true, that he convened the Legislature to prevent a brutal prize fight, but when he made the disgraceful act impossible he gained for our people the respect and esteem, not only of our sister States, but of the civilized world.

It is likewise true that he reconvened the Legislature two years ago for the purpose of passing a just appropriation bill and certain other measures which were platform demands of his party, but by so doing he saved the State a quarter of a million dollars and procured the enactment of some of the most beneficial measures now on the statute books. None of these acts have discouraged capital, but have not only invited but encouraged it to come.

Every industry is prosperous, and in many pursuits we excel the people of every other State.

The great live stock interest has received great consideration and encouragement from his administration.

He told us at Fort Worth two years ago, that he realized its importance and appreciated our necessities. That he knew that Texas extended west of the Colorado, and that much of our territory was fit only for the live stock industry. That interest has responded to his encouragement, and during the past two years has increased in taxable values thirteen millions of dollars, as shown by the tax rolls.

Mr. President: All Texas should rejoice that this man has given us four years of public service, and should ever feel grateful to him for restoring normal conditions in the State and in the party.

His wise statesmanship has cancelled the debts of former administrations and put a surplus in the treasury. His honest, faithful and business-like administration has reclaimed political backsliders, killed the populist party and wholly demoralized the republican organization in Texas.

Any man who has thus conducted himself in these important positions can do no less than succeed in the new one to which we shall send him. Serving with credit his people here, he will acquit himself with distinction there. Gaining, here, the approval of a State, there a nation will learn to honor and applaud.

He is not the only person honored by his nomination today. Every citizen of Texas is honored by our course, and the absence of any opposition gives approval to our action.

My interest in him is not simply that which we feel in a faithful public servant, but reaches above and beyond well earned approval. An acquaintance formed in early manhood has ripened into strongest friendship—a respect for the talent and learning of the youth has grown into admiration for the wisdom and greatness of the man.

Uniformly courteous, considerate and kind, he makes friends of all who come about him. Ever mindful of the honor done him, and watchful of the every interest entrusted to his care, his people implicitly trust him.

May that zeal and earnestness which has characterized his efforts here gain new laurels for him there. May his honesty, his industry, his love for State and country, and his superior intellectuality remain his, and teach the people of the nation, that which the people of Texas know of him; that there is no position within the gift of the people of a State or nation which he could not fill with marked distinction and ability, and when the term of service had expired return to them the trust untarnished and not dishonored.

It is with exceeding great pleasure that I second the nomination of Charles A. Culberson for United States Senator.

The Chair declared nominations closed, and ordered the Secretary to call the roll, the result being as follows:

For Culberson—

Atlee, Burns, Dibrell, Goss, Gough, Greer, Grinnan, James, Johnson, Kerr, Lewis, Lloyd, McGee, Miller, Morriss, Neal, Odell, Potter, Ross, Sebastian, Stafford, Terrell, Turney, Wayland, Yantis, Yett—Total, 26.

Absent—Stone.

Absent—Excused—Davidson, Hanger, Linn, Patterson.

The Chair announced that the Senate would, at 12 m. tomorrow, Wednesday, January 25, meet the House in joint session to ballot for United States Senator to succeed Hon. Roger Q. Mills.

On motion of Senator Gough, the Senate adjourned until 10 o'clock tomorrow morning.

#### TWELFTH DAY.

Senate Chamber,  
Austin, Texas, Wednesday, Jan. 25, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Koss.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Stone.
Johnson.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Odell.

Absent—Excused.

Davidson. Patterson.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

#### EXCUSED.

On motion of Senator Lloyd, Journal Clerk O'Quinn was excused for non-attendance on Monday and Tuesday last on account of sickness in his family.

#### PETITIONS AND MEMORIALS.

By Senator Atlee:

Memorial of citizens of the counties of Dimmit, LaSalle, Uvalde and Kinney, engaged in cattle raising, praying that said counties be exempted from the operation of the "Hide and Animal Inspection Law."

Read and referred to the Committee on Stock and Stock-raising.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, Jan. 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 64, being a bill to be entitled "An Act for the better protection of the farmer in the purchase of commercial fertilizers, and for other purposes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

WAYLAND, Chairman.

Committee Room,  
Austin, Texas, Jan. 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Resolution by Miller, as follows: "Whereas, There is now in the library of the Supreme Court several duplicate sets of reports and other works of value to them, which distributed amongst the various Courts of Civil Appeals would materially increase the usefulness of their libraries, therefore be it

Resolved by the Senate, the House of Representatives concurring, that Chief Justice Gaines be and is hereby authorized to distribute such surplus books among the several Courts of Civil Appeals,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be not adopted for the reason that it appears that the several courts of the State are already furnished with the State reports.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Jan. 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 60, being a bill to be entitled "An Act to amend Article 1188, of Chapter 2, Title XXX, of the Revised Civil Statutes of the State of Texas (1895), relating to the amendment of pleadings,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.